

Remarks

Claim 2 is amended to provide better correlation in terminology used in claims 1 and 2.

Applicant respectfully requests reconsideration of the rejection of claim 1 based on 35 U.S.C. § 112. The Examiner has indicated that the phrase "the second fishing pole holder" does not have a sufficient antecedent basis. It is Applicant's view that the limitation "second fishing pole holder element," which appears at lines 23 and 24 and at line 27 of claim 1, does, in fact, have an antecedent basis in the paragraph beginning at line 18 of claim 1 and ending at line 20 of claim 1. Withdrawal of the rejection based on 35 U.S.C. 112 is requested.

Claims 1-4 have been rejected based on 35 U.S.C. § 103. It is respectfully requested that this rejection be reconsidered. It is Applicant's view that the structural limitations in claims 1-4 are neither disclosed nor suggested by the teachings of Mann and Wilde, taken alone or in combination. The device of Mann includes a holder 6 with a rod supporting section 8. The angularity of the rod can be changed for vertical adjustments, but there is no provision whatsoever for lateral adjustments. The device of Mann includes a thumb screw 26 received in slot 18, which is bowed to substantially correspond to the curvature of the upper frame portion 17. When the thumb screw is loosened and the socket 31 is moved to effect vertical adjustment of the fishing pole handle 44, the socket member 31 pivots about the axis of the thumb screw as the thumb screw position changes in the slot 18.

The device of Mann includes a rear leg 12, which threadably receives a clamping screw 15, the end of which is connected to swivel 16. The wall 42 is engaged by the swivel. The jaw 11 acts as a reaction point for the clamping force supplied by the screw 15.

Limitations in claims 1-4 of Applicant are completely lacking in the Mann disclosure. Mann does not provide, for example, a counterpart for a clamping force reaction cushion secured to a base plate as taught by Applicant. Applicant does not agree with the

Examiner's statement that the swivel 16 functions as a clamping force reaction cushion. Actually, the swivel 16 directly engages the boat wall 42. There is no clamping force reaction cushion shown or suggested by Mann, nor is there a base plate to which a cushion could be secured.

The Mann disclosure further lacks a counterpart for Applicant's threaded support shaft that is secured to a main clamp portion and which extends from opposite sides of the main clamp portion. In the case of the Mann disclosure, the rod supporting section 8 is secured to the frame portion 17 by a thumb screw. The device of Mann further lacks Applicant's means for adjusting the angular position of the fishing pole holder about a first axis that intersects a support shaft axis. This feature of Applicant's claimed structure makes it possible for the fishing pole holders to be adjusted in a lateral plane as well as in a vertical plane. As previously mentioned, this feature cannot be performed with the device of Mann.

The device of Mann further lacks a means for adjusting the angular position of the fishing pole about the axis of a support shaft. Indeed, a support shaft is not present in the Mann device.

The secondary reference patent to Wilde does not supply any of the deficiencies discussed above with respect to Applicant's invention. Wilde is cited, presumably, to indicate that multiple fishing rods can be used with a single fishing rod holder. The deficiencies of the base reference patent to Mann mentioned above, however, are not supplied by the secondary teachings of Wilde.

The Examiner refers to column 2, lines 56-63 of the Mann disclosure, to support a rejection of claims 3 and 4. Actually, the strap clamp and clamping bolt recited in Applicant's claims 3 and 4 are used in cooperation with a pedestal for each of the holders of Applicant's design. There is no counterpart whatsoever for either straps or pedestals in the teachings of Mann.

It is impossible to compare the references cited by the Examiner to Applicant's claimed structure using a limitation-by-limitation analysis. Each of the limitations in Applicant's claims, discussed in the preceding paragraph, is completely lacking in the references, taken alone or in combination, and the functions provided by those recited limitations of Applicant's claims are completely lacking in the teachings of the references.

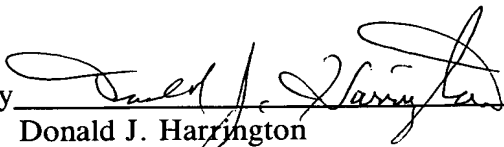
Further, a skilled artisan would not be motivated by the Wilde teachings to design the Mann device for accommodating multiple rod holders in view of the fundamental differences in the designs of the two references.

In applying the test of non-obviousness in a patentability determination, it is improper to rely upon hindsight wisdom. Furthermore, it is not appropriate to pick and chose isolated elements from various prior art references, such as the Mann and Wilde references, and then combine them in an effort to show similarity between the claimed invention and the overall teachings of the references. In this instance, the elements included in Applicant's claims are lacking, as well as the function performed by those elements. There is nothing in the prior art teachings, taken as a whole, that would suggest the desirability or the necessity of combining the multiple features included in Applicant's claim limitations. A retrospective view of inherency, furthermore, is not a substitute for a teaching or a suggestion in the references that would support an argument for obviousness. Structural elements of the reference devices should not be selected by picking and choosing in comparing the teachings of the references to the claimed structure. It is not permissible to use the claimed invention as an instruction manual to piece together isolated teachings in the prior art using no more than hindsight reasoning.

A reconsideration of the rejection based on 35 U.S.C. § 103 and a Notice of Allowance are solicited respectfully.

Respectfully submitted,

MARK A. KING

By 
Donald J. Harrington
Reg. No. 17,427
Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351